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Date: MAY 16, 2005

To: EXAMINER BONSHOCK, DENNIS G.
U.S. PATENT AND TRADEMARK OFFICE

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Client/Matter No.: AUS920010828US1 (9000/78)

of Pages: 9

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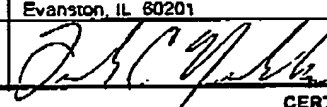
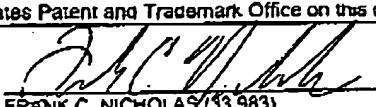
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	Application Number	09/981,905
	Filing Date	OCTOBER 18, 2001
	First Named Inventor	ANTHONY E. MARTINEZ
	Group Art Unit	2173
	Examiner	BONSHOCK, DENNIS G

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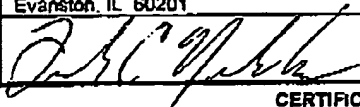
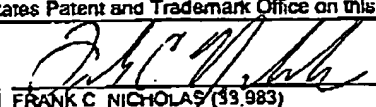
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	First Named Inventor	ANTHONY E. MARTINEZ
	Group Art Unit	2173
	Examiner	BONSHOCK, DENNIS G.

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First Presentation of Multiple Dep. Claim					+ \$180=	---		+ \$360=	
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FRANK C. NICHOLAS (33,983)

Name of applicant, assignee or registered representative


SignatureMay 16, 2006

Date of Signature

PATENT
Case No. AUS920010828US1
(9000/78)IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re patent application of:

ANTHONY E. MARTINEZ, ET AL.

SERIAL NO.: 09/981,905

FILED: OCTOBER 18, 2001

Title: METHOD OF VISUALLY INDICATING)
TRANSFER OF DATA IN RESPONSE TO)
A TRANSFER DATA COMMAND)

EXAMINER: BONSHOCK

GROUP ART UNIT: 2173

CONF. NO. 7303

REPLY BRIEFCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22202-1450

Dear Sir:

Appellants respectfully present their Reply Brief on Appeal as follows:

May 16, 2006
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Serial No.: 09/981,905
Filed: October 18, 2001
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GROUP I: Claims 1-3, 6, 9-11, 14, and 17

In order to maintain the §102(e) anticipation rejection of these claims, the Examiner must show that each element of the claimed invention is disclosed in as great detail by the reference. Because the reference does not disclose each and every element, this rejection must fall.

As previously outlined, and contrary to the Examiner's assertions, Johnson does not disclose "modifying a display position indicator on a display screen," as claimed in independent claims 1, 9, and 17. The claimed display position indicator *indicates the completion level* of a current data transfer. The Examiner attempts to liken the snapping to the cursor disclosed by Johnson to the display position indicator, but this attempt is misguided. This misguidance is evidenced, at a minimum, by the Examiner's alleging that snapping the text to the cursor provides an indication of the transfer of data to or from the cursor (see pages 9-10 of the Examiner's Answer, below).

The examiner contends that with respect to the first argument Johnson does show, in column 4, lines 20-34, column 5, lines 3-5, column 7, lines 5-10, and in figures 3A-3C, a modification of the position indicator in response to a cut or copy command, where the selected text is gradually moved to the other end of the cursor (non-pointed end), where size may be modified (as shown in column 4, line 27 and as asserted to in column 3, lines 23-26, where the object is said to be visually zoomed). This text is

animated in its movement to the snapped location, providing an indication of the transfer of data to or from the cursor

Both Johnson and the claimed invention include the use of visuals to indicate activity – Johnson visualizes moving *text* by moving text, while the claimed invention visualizes the completion level of a task by modifying a *display position indicator*. The display position indicator of Johnson remains cursor 20 throughout FIGS. 3A-3D, while the claimed display position indicator changes in FIGS. 2 and 3 of the instant application. See below:

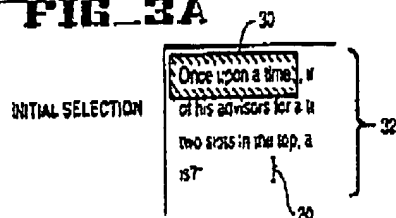
May 16, 2006

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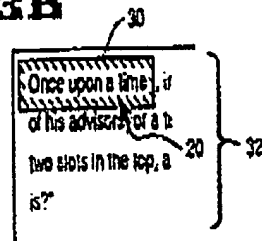
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Filed: October 18, 2001

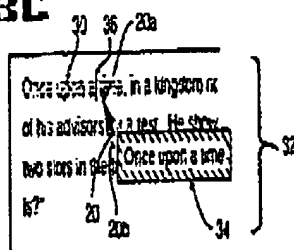
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FIG 3A**FIG 3B**

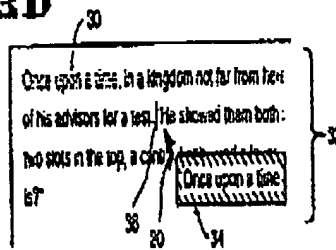
MOUSE DOWN

**FIG 3C**

BEGIN DRAG

**FIG 3D**

TRACKING



from Johnson, as compared to:

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Animation sequence for a copy command

Scene one	<u>20</u> 16 The quick <u>brown fox</u> jumped over	10 12
Scene two	<u>22</u> 18 <u>brown fox</u> The quick <u>brown fox</u> jumped over	
Scene three	<u>24</u> <u>brown fox</u> The quick <u>brown fox</u> jumped over	
Scene four	<u>26</u> <u>brown fox</u> The quick <u>brown fox</u> jumped over	
Scene five	<u>28</u> The quick <u>brown fox</u> jumped over	
Scene six	<u>30</u> The quick <u>brown fox</u> jumped over	
Scene seven	<u>32</u> The quick <u>brown fox</u> jumped over	
Scene eight	<u>34</u> The quick <u>brown fox</u> jumped over	
Scene nine	<u>36</u> The quick <u>brown fox</u> jumped over	14

FIG.2

from the instant application. Note that the reduced object 14 occupies a portion of the display position indicator 10 in scene nine, but that reduced object 14 does not occupy a portion of the display position indicator 10, e.g. in scene 5.

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Johnson does not disclose each and every element claimed in claim 1 in as great as detail as claimed. Therefore, the §102(e) anticipation rejection must fail.

GROUP II: Claims 4-5, 7-8, 12-13, and 15-16

Each of these claims depend from otherwise allowable claims as outlined above. Therefore, each of claims 4-5, 7-8, 12-13 and 15-16 is patentable for at least this reason.

However, additionally, Johnson does not disclose, at a minimum, "reducing a marked object to a reduced object" as claimed in claim 4. At most, Johnson discloses that the size of the *text* object may be limited. See, column 4, lines 20-34. The Examiner's other citations to Johnson are wholly silent as to reducing the size of a marked object. See, column 5, lines 3-5, column 7, lines 5-10 and FIGS. 3A-3C of Johnson.

Claim 5 requires moving the marked object toward the display position indicator *while* the object is being reduced (emphasis added). In response, the Examiner only alleges that Johnson discloses that the size of a text string may be changed after the text string has been moved - "... where the selected text is gradually moved to the other end of the cursor (non-pointed end) where size may be modified." Thus, Johnson does not disclose moving the object *while* the object is being reduced.

Similarly, claim 7 requires "expanding the reduced object." Johnson does not disclose expanding a reduced object.

Since Johnson does not disclose "reducing a marked object to a reduced object" as claimed in claim 4, the §102(e) rejection must fail.

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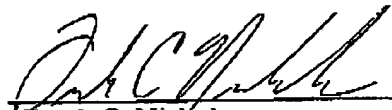
CONCLUSION

Appellants respectfully submit that claims 1-17 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

Dated: May 16, 2006

Respectfully submitted,
ANTHONY E. MARTINEZ, *et al.*

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